

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

THE CHILDREN (GUERNSEY AND ALDERNEY) (AMENDMENT) LAW, 2025

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Children (Guernsey and Alderney) (Amendment) Law, 2025", and to authorise the Bailiff to present a most humble petition to His Majesty praying for His Royal Sanction thereto.

EXPLANATORY MEMORANDUM

This Projet makes a number of amendments to the Children (Guernsey and Alderney) Law, 2008 (the "Law").

Section 2 amends Part IV of the Law so that a parental responsibility order is no longer automatically discharged on the making of a community parenting order.

Section 3 amends Part V of the Law to replicate certain duties set out currently in the Children (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2009 (with corresponding repeals provided for by section 15), makes amendments to the duty to share information, and imposes duties on the States to make arrangements to promote cooperation, and on the members of the Islands Safeguarding Children Partnership to make arrangements to safeguard and promote welfare.

Section 4 amends Part VI of the Law, to widen eligibility to be a member of the Children Youth and Community Tribunal, to create a duty on specified individuals to attend Tribunal Hearings, and to grant the Tribunal power to impose financial penalties of up to £1,000 on those who fail to attend.

Sections 5-9 make amendments to Part VII of the Law, chiefly to the grounds for referral of a child to the Children's Convenor, the actions that flow from a referral, to adjust the circumstances in which a community parenting order and child protection order may be made, and to add a power for the Court to make a community support order or child assessment order in certain circumstances. Amendments are also made to the wording of the circumstances in which the court can make an exclusion order, and in which police officers can exercise powers where a child is suffering harm or at risk.

Section 10 amends Part VIII of the Law to confer a power on the court to remit matters

to the Tribunal.

Section 11 amends Part XII of the Law by making amendments to the name and functions of the Safeguarder Service (which is renamed the Family Proceedings Advisory Service).

Section 12 amends Part XIII of the Law so as to provide that a police officer may use reasonable force when exercising the power to remove a child in respect of which the court has made a recovery order.

Section 13 amends Part XIV of the Law so as to bring appeals from fines imposed under the powers inserted by section 4 within an existing appeal system in the Law.

Section 14 amends Part XVI to provide for a power to amend the name of persons created under the Law, and to make amendments to definitions in the Law.

PROJET DE LOI

ENTITLED

The Children (Guernsey and Alderney) (Amendment) Law, 2025

THE STATES, in pursuance of their Resolutions of the 24th November, 2022^a and 6th March 2025^b, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.

Amendments to the Children (Guernsey and Alderney) Law, 2008.

1. (1) This Law amends the Children (Guernsey and Alderney) Law, 2008^c ("**the Law**") and the Children (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2009^d.

(2) In this Law, references to provisions of an enactment are references to provisions of the Law unless the context requires otherwise.

Amendments to Part IV.

2. For section 22(2), substitute –

^a Article IV of Billet d'État No XX of 2022.

^b Article XI of Billet d'État No VI of 2025.

^c Order in Council No. XIV of 2009; this enactment has been amended.

^d Ordinance No. XLVIII of 2009; this enactment has been amended.

"(2) A section 17 order shall cease upon the making, in respect of the child concerned, of an adoption order.

(2A) A section 17 order, other than a parental responsibility order, shall cease upon the making, in respect of the child concerned, of a community parenting order."

Amendments to Part V.

3. (1) In the heading to section 24, after "States" insert "in relation to children in need".

(2) After section 24, insert -

"States' duty to identify children in need.

24A. The States shall take reasonable steps to identify the extent to which there are children in need in Guernsey and Alderney.

Duty of Departments to publish information about services.

24B. A department of the States which provides services to any child in need –

(a) shall publish information about those services,
and

(b) shall take such steps as are reasonable and practicable in the circumstances to ensure that those who may benefit from those services have access to information relating to those services.

Assessment of need.

24C. Where it appears that a child is in need in Guernsey or Alderney the Committee or, by agreement with the Committee, the Committee for Education, Sport & Culture, may make arrangements to assess the extent to which the child is in need.

Duty to investigate.

24D. The Committee shall have a duty to investigate circumstances in which compulsory intervention may be necessary, except where the duty arises wholly or mainly as a result of a child's failure to attend school, in which case the Committee for Education, Sport & Culture shall be responsible for discharging the duty."

(3) In section 27(1) –

(a) for "risk, to", substitute "risk, or a parent of that child or a person who has a close connection to that child, to – ",

(b) for "take such action in relation to that child, and his circumstances, as may be required of them under this Law", substitute –

"–

(c) take such action in relation to that child, and that child's circumstances, as may be required of them under this Law, and

- (d) share information in accordance with the provisions of any regulations or written guidance made, or issued, under this section."

(4) In section 27(2), after "obliged" insert "or permitted".

(5) At the end of section 27, insert –

"(4) For the purposes of this section, a person is to be taken to have a close connection with a child if -

- (a) the child is a member of the same household as the person, or

- (b) the child is not a member of the same household as the person but the child has significant contact with the person."

(6) After section 27, insert –

"Co-operation to improve welfare.

27A. (1) The States must make arrangements to promote co-operation between –

- (a) the States,

- (b) each of the States' relevant partners, and

- (c) such other persons or bodies as the States consider appropriate, being persons or bodies of any nature who exercise functions or are engaged in activities in relation to children.

(2) The arrangements are to be made with a view to improving the welfare of children so far as relating to -

- (a) physical, emotional and mental health,
- (b) protection from harm and neglect,
- (c) education, training and recreation,
- (d) contribution to society,
- (e) social and economic well-being.

(3) In making arrangements under this section, the States must have regard to the importance of parents and other persons caring for children in improving the well-being of children.

(4) For the purposes of this section each member of the Islands Safeguarding Children Partnership is a relevant partner of the States.

(5) The relevant partners of the States must co-operate with the States in the making of arrangements under this section.

(6) Each of the States' relevant partners must in exercising their functions under this section have regard to any guidance given to them for the purpose by the Committee.

(7) The Committee may by regulations amend the definition of relevant partners in subsection (4).

Arrangements to safeguard and promote welfare.

27B. (1) This section applies to each member of the Islands Safeguarding Children Partnership.

(2) Each person and body to whom this section applies must make arrangements for ensuring that –

- (a) their functions are carried out in a manner that accords with section 3, and
- (b) any services provided by another person pursuant to arrangements made by the person or body in the carrying out of their functions are provided having regard to that need.

(3) Each person and body to whom this section applies must in discharging their duty under this section have regard to any guidance given to them for the purpose by the Committee.

(4) The Committee may by regulations amend subsection (1) so as to amend to whom this section applies."

(7) For the heading to section 29, substitute "**Islands Safeguarding Children Partnership**".

(8) In section 29 -

(a) in subsection (1) -

(i) for "Islands Child Protection Committee" substitute "Islands Safeguarding Children Partnership", and

(ii) for ""**Child Protection Committee**"" substitute ""**Islands Safeguarding Children Partnership**"" ,

(b) in subsections (2), (3), (4) and (5), for "Child Protection Committee", on each occasion it appears substitute "Islands Safeguarding Children Partnership".

Amendments to Part VI.

4. (1) In section 33(4) -

(a) in paragraph (e), at the end, insert "and",

(b) in paragraph (f), for ", substitute " .",

(c) paragraphs (g) and (h) are repealed.

(2) After section 33 insert -

"Duty to attend Tribunal hearing."

33A. (1) This section applies where by virtue of this Law or an Ordinance made under section 34, a Tribunal hearing is, or is to be, arranged in relation to a child.

(2) Each specified individual who is notified of the Tribunal hearing must attend the Tribunal hearing unless the specified individual is excused or excluded.

(3) In this section -

"**excluded**" means excluded by virtue of a power exercised under an Ordinance made under section 34,

"**excused**" means excused by virtue of a power exercised under an Ordinance made under section 34,

"**notified**" means notified by virtue of a power exercised under an Ordinance made under section 34, and

"**specified individual**" means an individual who has parental responsibility in respect of the child.

Failure to attend: discretionary financial penalties.

33B. (1) Where the Tribunal is satisfied that a specified individual has, without reasonable excuse, failed to comply with the duty in section 33A(2), the Tribunal may (subject to the provisions of this section and section 33C) impose on that person a financial penalty in respect of the failure

of such amount as the Tribunal considers appropriate and proportionate, but not exceeding £1,000.

(2) In deciding whether or not to impose a penalty under this section and, if so, the amount thereof the Tribunal must take into consideration the following factors -

- (a) whether or not the failure was inadvertent,
- (b) what efforts, if any, have been made to rectify the failure and to prevent a recurrence,
- (c) the potential financial consequences to the specified individual and to third parties of imposing a penalty, and
- (d) the penalties imposed by the Tribunal under this section in other cases (if any).

(3) Any financial penalty imposed under this section is payable to the States and is recoverable as a civil debt.

(4) Where the Tribunal proposes to impose a financial penalty, the Tribunal must notify in writing the specified individual on whom the penalty is to be imposed of -

- (a) the proposed penalty, and the reasons for the same,

(b) the date on which it is proposed, subject to sections 33C, to impose the penalty, which must not be less than 21 days after the date of the notice, and

(c) that person's right to make written representations to the Tribunal under section 33C(1).

(5) Where the Tribunal imposes a financial penalty, the Tribunal must -

(a) issue to the person on whom the penalty is being imposed notice of the penalty, and

(b) include in the notice a statement of the right of appeal under section 99.

Representations prior to financial penalty.

33C. (1) The person on whom a notice is served under section 33B(4) may make written representations to the Tribunal concerning the proposed financial penalty within 14 days of the date of the notice.

(2) If the person in question exercises their right under subsection (1) the Tribunal -

(a) must consider their representations, and

(b) may decide to -

- (i) impose the penalty,
- (ii) impose a penalty in a lesser amount,
- (iii) withdraw the penalty, or
- (iv) postpone the date for imposing the penalty,

but in any event the Tribunal must inform that person of the decision in writing, and the Tribunal's reasons for the same, before the date on which financial penalty is imposed or would otherwise have been imposed.

(3) For the avoidance of doubt, where the Tribunal has imposed a financial penalty under section 33B the Tribunal may not seek to recover payment of that penalty until -

- (a) 28 days immediately following the date of the notice of the penalty issued under section 33B(5)(a), or
- (b) if an appeal is instituted within that period, the final determination, or withdrawal, of that appeal,

and for the purposes of this subsection, an appeal shall be deemed not to have been finally determined until the expiration of the time allowed for the institution of an appeal to the Court of Appeal under the Court of Appeal

(Guernsey) Law, 1961 or until the determination of any such appeal instituted within that time."

Amendments to Part VII: grounds for referral and notification and referral.

5. (1) For the crossheading before section 35, substitute "*Grounds for referral.*"

(2) For the heading to section 35, substitute "**Grounds for referral.**"

(3) In section 35 -

(a) For subsection (1), substitute -

"(1) The question of whether a care requirement may be needed in respect of a child shall only arise if at least one of the grounds referred to in subsection (2) appears to exist in respect of that child."

(b) In subsection (2) -

(i) for "conditions" substitute "grounds",

(ii) for paragraph (a), substitute -

"(a) the child has suffered unnecessarily, or is likely to suffer unnecessarily,

(aa) the child's health or development has been, or is likely to be, significantly impaired,"

- (iii) paragraph (d) is repealed,
- (iv) in paragraph (e)(i), for "violent or destructive behaviour and is likely to become a danger, to himself, or others" substitute "conduct that has had, or is likely to have, a serious adverse effect on the health, safety or development of the child or another person",
- (v) in paragraph (g), for "." substitute " , ",
- (vi) after paragraph (g), insert -

"(h) a specified offence has been committed in respect of the child,

(i) the child has, or is likely to have, a close connection with a person who has committed a specified offence,

(j) the child has, or is likely to have, a close connection with a person who has carried out domestic abuse,

(k) the child is, or is likely to become, a member of the same household as a child in respect of whom a specified offence has been committed,

(l) the child is being provided with accommodation by the Committee under section 25 or a community parenting order is in force in respect of the child.

(3) For the purposes of paragraphs (i) and (j) of subsection 2, a child is to be taken to have a close connection with a person if -

(a) the child is a member of the same household as the person, or

(b) the child is not a member of the same household as the person but the child has significant contact with the person.

(4) In this Law -

"**domestic abuse**" means behaviour that would constitute an offence under section 1 of the Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024, and

"**specified offence**" means such offence as the Committee may by regulations prescribe."

(4) In section 36 -

(a) in subsection (1) -

(i) in paragraph (a) -

- (A) for "compulsory intervention" substitute "whether a care requirement may be needed in respect of a child",
 - (B) after "35" insert "(1)",
- (ii) in paragraph (b), for "compulsory intervention" substitute "a care requirement",
- (b) in subsection (3) -
 - (i) in paragraph (d), for "X" substitute "XI",
 - (ii) in paragraph (e), for "a community parenting order," substitute -
 - "-
 - (i) a community parenting order,
 - (ii) an interim community parenting order, or
 - (iii) an emergency child protection order,"
 - (iii) paragraph (g) is repealed.
- (5) In section 37 -

(a) for "Where" substitute "(1) Subject to subsection (2), where",

(b) at the end insert -

"(2) Where an application set out in section 36(3)(e) is notified to the Convenor, the Convenor may not, in relation to the child who is the subject of the application,

(a) make any investigation, or

(b) take any action,

save as in respect of matters unrelated to the substance of the application."

Amendments to Part VII: referral to tribunal and care requirement.

6. (1) In section 42 -

(a) in subsections (1) and (5), for "compulsory intervention" substitute "a care requirement",

(b) in subsections (3) and (4), for "condition", on each occasion it appears, substitute "ground",

(c) at the end insert –

"(7) Where the Tribunal has begun to consider a case referred to it and considers that the Juvenile Court would, if seized of an

application in relation to the child, have the power to make an order, the Tribunal must notify the Committee.

(8) Where a matter, ground or fact is referred under this section to the Juvenile Court for determination, the Juvenile Court may, where both of the conditions in subsection (9) apply, make a care requirement (including on an interim basis).

(9) The conditions for the purposes of subsection (8) are -

(a) that the circumstances are exceptional, and

(b) that the Juvenile Court considers it is in the interests of the child's welfare for it to make a care requirement.

(10) Where the Juvenile Court makes a care requirement under subsection (8) the decision to make a care requirement shall be deemed to be a decision of the Tribunal.

(11) For the purposes of subsection (8), sections 43 and 44 apply to the Juvenile Court as if references to the Tribunal were references to the Juvenile Court."

(2) In section 43(2) -

(a) in paragraph (b), for "." substitute " , ",

(b) after paragraph (b), insert -

"in circumstances where there is a reasonable prospect of positive change.".

(3) In section 44 -

(a) in subsection (1)(a)(i) and (ii), for "compulsory intervention" substitute "a care requirement",

(b) in subsection (2) -

(i) for "28 days" substitute "six months",

(ii) in paragraph (b)(i), for "condition" substitute "ground",

(iii) in paragraph (b)(ii) -

(A) for "condition" substitute "ground",

(B) after "requires" insert "an",

(C) for "compulsory intervention" substitute "care requirement",

(c) for subsection (4), substitute -

"(4) In determining under subsection (1)(a)(ii) whether a care requirement is necessary, the Tribunal shall have regard to whether there

is any other means by which adequate care, protection, guidance or control can be provided for the child."

(4) In section 46(4) -

(a) in paragraph (c), delete "or",

(b) after paragraph (c) insert –

"(ca) insofar as it is inconsistent with an interim community parenting order, or".

Amendments to Part VII: community parenting order.

7. (1) In section 49 –

(a) in subsection (1)(a), delete "first",

(b) in subsection (2)(a) -

(i) for subparagraph (i), substitute -

"(i) the child concerned is suffering, or is likely to suffer, significant harm,

(ia) the harm, or likelihood of harm, is attributable to -

(A) the care given to the child, or likely to be given to the child

if the order were not made,
not being what it would be
reasonable to expect a parent
to give the child, or

(B) the child being beyond
parental control, and",

(ii) in subparagraph (ii), after "control for the child"
insert "within a timescale suitable to the needs
and interests of the child".

(2) In the heading to section 52, delete "variation".

(3) In section 52(1) -

(a) in paragraph (a)(ii), delete "or",

(b) after paragraph (a), insert -

"(aa) the making, in respect of the child concerned, of
a residence order, or".

(4) In section 53(1), after "Where" insert "a relevant court is satisfied
that there are reasonable grounds for believing that".

Amendments to Part VII: community support order and child assessment order.

8. After section 54, insert –

"Community support order

Power to remit or make a community support order.

54A. (1) This section applies where a relevant court, on hearing an application for a community parenting order, does not make a community parenting order.

(2) A relevant court may remit the matter to the Tribunal for consideration and determination where it considers that -

- (a) a section 35(2) ground (other than the ground set out in section 35(2)(f)) applies in relation to the child, and
- (b) a care requirement may be necessary for the purposes set out in section 43(2).

(3) A relevant court may make a community support order where it -

- (a) does not remit a matter under subsection (2),
- (b) considers that a period of supervision in the community may be necessary in order to assist the parent or any other person who is for the time being caring for the child to provide adequately for the child's care and welfare, and

- (c) has approved the content of a child's plan for the child.

(4) No community support order may be made with respect to a child who has reached the age of seventeen (or sixteen, in the case of a child who is married).

(5) In this section, "**consideration and determination**" means consideration and determination as if the matter had been referred to the Tribunal under section 42(1), save that the Convenor need not cause a meeting under section 42(2) to be convened.

Further provisions regarding community support orders.

54B. (1) A community support order shall have effect for a period of 12 months, unless discharged under this section.

(2) While a community support order is in force it shall be the duty of the Committee -

- (a) to give effect to the order by the provision of such supervision, support and services as the child or his parent or carer requires for the child's adequate care and welfare, and
- (b) to consider whether or not to apply to a relevant court for its variation or discharge where -
 - (i) the order is not wholly complied with,
or

- (ii) the Committee considers that the order may no longer be necessary.

(3) A community support order may require the child to comply with any directions given by the Committee that the child should do any of the following -

- (a) present to a person or persons specified in the directions at a place or places and on a day or days so specified,
- (b) participate in activities specified in the directions on a day or days so specified, and
- (c) such other directions as the Committee may by regulations be empowered to give.

(4) On the application of -

- (a) the Committee,
- (b) the child, or
- (c) the child's parent or any other person who is for the time being caring for the child,

a relevant court may discharge a community support order where it appears that the order is no longer necessary.

- (5) A community support order shall -
- (a) have no effect on parental responsibility in respect of the child, and
 - (b) bring to an end any earlier community parenting order, interim community parenting order, or care requirement which -
 - (i) was made with respect to that child, and
 - (ii) would otherwise continue in force.

Community support orders: power to make further provision.

54C. (1) The Committee may by regulations make such provision as it thinks fit for the purpose of giving effect to sections 54A and 54B including, where a matter is remitted under section 54A(2), as to the provision by a relevant court of a statement setting out which of the 35(2) grounds the relevant court considers applicable in respect of the child, together with any supporting information which appears to the relevant court to be relevant.

(2) The States may by Ordinance make provision for a relevant court, when remitting a matter under section 54A(2), to make a care requirement.

Child assessment order

Child assessment order.

54D. (1) On the application of the Committee for an order to be made under this section ("**child assessment order**"), a relevant court may make the order if, but only if, it is satisfied that -

- (a) the Committee has reasonable cause to suspect that the child is suffering, or is likely to suffer, significant harm,
- (b) an assessment of the state of the child's health or development, or of the way in which the child has been treated, is required to enable the Committee to determine whether or not the child is suffering, or is likely to suffer, significant harm, and
- (c) it is unlikely that such an assessment will be made, or be satisfactory, in the absence of an order under this section.

(2) A relevant court may treat an application under this section as an application for an emergency protection order.

(3) No relevant court shall make a child assessment order if it is satisfied -

(a) that there are grounds for making an emergency child protection order with respect to the child, and

(b) that it ought to make such an order rather than a child assessment order.

(4) A child assessment order shall -

(a) specify the date by which the assessment is to begin, and

(b) have effect for such period, not exceeding 7 days beginning with that date, as may be specified in the order.

(5) Where a child assessment order is in force with respect to a child it shall be the duty of any person who is in a position to produce the child -

(a) to produce the child to such person as may be named in the order, and

(b) to comply with such directions relating to the assessment of the child as the relevant court thinks fit to specify in the order.

(6) A child assessment order authorises any person carrying out the assessment, or any part of the assessment, to do so in accordance with the terms of the order.

(7) Regardless of subsection (6), if the child is of sufficient understanding to make an informed decision the child may refuse to submit to a medical or psychiatric examination or other assessment.

(8) The child may only be kept away from home -

(a) in accordance with directions specified in the order,

(b) if it is necessary for the purposes of the assessment, and

(c) for such period or periods as may be specified in the order.

(9) Where the child is to be kept away from home, the order shall contain such directions as the relevant court thinks fit with regard to the contact that the child must be allowed to have with other persons while away from home.

(10) Any person making an application for a child assessment order shall take such steps as are reasonably practicable to ensure that notice of the application is given to -

(a) the child's parents,

- (b) any person who is not a parent of the child but who has parental responsibility for the child,
- (c) any other person caring for the child, and
- (d) the child,

before the hearing of the application.

(11) Rules of court may make provision as to the circumstances in which -

- (a) any of the persons mentioned in subsection (10), or
- (b) such other person as may be specified in the rules,

may apply to the court for a child assessment order to be varied or discharged.".

Amendments to Part VII: protection in an emergency and powers of police officers.

9. (1) In section 55(1) -

- (a) for paragraph (b), substitute -
- "(b) likely to suffer,"

- (b) for "serious", substitute "significant".
- (2) In section 57(2) -
 - (a) in paragraph (b), at the end, insert "or",
 - (b) in paragraph (c), for ", or", substitute ".",
 - (c) paragraph (d) is repealed.
- (3) In section 59(1)(a) -
 - (a) before "a child", insert "there are reasonable grounds to believe that",
 - (b) for "serious" substitute "significant",
 - (c) for subparagraph (ii), substitute -
 - "(ii) likely to suffer,".
- (4) In section 64 -
 - (a) in subsection (1) -
 - (i) delete "imminently",
 - (ii) for "serious" substitute "significant",

(b) at the end, insert –

"(3) A police officer may use reasonable force, if necessary, in the exercise of any power conferred by subsection (1).".

(5) In section 64A, at the end, insert -

"(4) A police officer may use reasonable force, if necessary, in the exercise of a power conferred by subsection (2)(c) or (d).".

(6) In section 66(1), for "24" substitute "72".

Amendments to Part VIII.

10. After section 67, insert -

"Power to remit.

67A. (1) When dealing with relevant proceedings, the Juvenile Court may, where it considers that a section 35(2) ground (other than the ground in section 35(2)(f)) applies in relation to the child, remit the matter to the Tribunal for consideration and determination.

(2) In this section -

(a) **"relevant proceedings"** means proceedings involving a child under section 67(2)(c), and

(b) **"consideration and determination"** means consideration and determination as if the matter had been referred to the Tribunal under

section 42(1), save that the Convenor need not cause a meeting under section 42(2) to be convened.

(3) The States may by Ordinance -

(a) amend the definition of relevant proceedings in subsection (2), and

(b) make provision for a court other than the Juvenile Court to remit a matter to the Tribunal for consideration and determination."

Amendments to Part XII.

11. (1) In the heading to Part XII, for "SAFEGUARDER" substitute "FAMILY PROCEEDINGS ADVISORY".

(2) In the headings to section 83 and 84, for "Safeguarder" substitute "Family Proceedings Advisory".

(3) In section 83, for "Safeguarder", on both occasions it appears, substitute "Family Proceedings Advisory".

(4) In section 84 -

(a) in subsection (1) -

(i) for "Safeguarder" substitute "Family Proceedings Advisory",

(ii) in paragraph (b), delete "and",

(iii) after paragraph (b), insert -

"(ba) giving advice, information and support to the child and the child's family, and",

(b) in subsection (2), for "Safeguarder", on both occasions it appears, substitute "Family Proceedings Advisory",

(c) at the end, insert -

"(3) In this section, "family proceedings" include family proceedings which are proposed or have been concluded."

(5) In section 85(2), in each of paragraphs (a) to (e), for "Safeguarder" substitute "Family Proceedings Advisory".

Amendments to Part XIII.

12. In section 92, at the end, insert -

"(6) A police officer may use reasonable force, if necessary, in the exercise of the power conferred by subsection (3)(b)."

Amendments to Part XIV

13. (1) In the heading to section 99, after "control)", insert "or section 33B".

(2) In section 99(1), after "Tribunal" insert "under section 33B to impose a financial penalty, or".

Amendments to Part XVI.

14. (1) In section 119(1)(a)(iv)(F), for "Safeguarder" substitute "Family Proceedings Advisory".

(2) After section 119, insert -

"Power to amend name of persons etc created under this law.

119A. The Committee may by Regulations amend the name by which any person, body, service or office created under this Law is known."

(3) In section 122 -

(a) in subsection (1) -

- (i) in the first definition of "Child Protection Committee", for "Child Protection" substitute "Islands Safeguarding Children",
- (ii) the second definition of "Child Protection Committee" is repealed,
- (iii) in the definition of "compulsory intervention", for "but" substitute "and", and after "doubt" insert "includes a care requirement and a community parenting order but",

(iv) before the definition of "father", insert -

"Family Proceedings Advisor" includes a person authorised by the Family Proceedings Advisory Service to act on its behalf,

"Family Proceedings Advisory Service": see section 83,"

(v) after the definition of "Guernsey", insert -

"harm" means ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another, and the question of whether harm is significant shall be construed in accordance with subsection (1A),"

(vi) after the definition of "Committee for Home Affairs", insert -

"ill-treatment" includes sexual abuse and forms of ill-treatment which are not physical,"

(i) the definitions of "Safeguarder" and "Safeguarder Service" are repealed.

(b) after subsection (1), insert -

"(1A) Where the question of whether harm suffered by a child is significant turns on the child's health or development, his or her health or development shall be compared with that which could be expected of a similar child."

Repeals

15. The following provisions of the Children (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2009 are repealed -

- (a) section 22,
- (b) section 23,
- (c) section 24, and
- (d) section 25(1).

Extent.

16. This Law applies to the islands of Guernsey and Alderney and the territorial waters.

Citation.

17. This Law may be cited as the Children (Guernsey and Alderney) (Amendment) Law, 2025.

Commencement.

18. This Law shall come into force on the day appointed by Ordinance of the States; and different dates may be appointed for different provisions and for different purposes.